THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.22333 of 2005

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Dated:24.10.2005

Between:

Tanneerru Rajarao, s/o Bhooloka,
r/o S.Rayavaram (V) and Mandal, Visakhapatnam District.

..... PETITIONER

AND

District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22333 of 2005

ORDER:

The petitioner is aggrieved by the order/notice issued by the third respondent under Section 6 of the A.P.Land Encroachment Act, 1905 (for short 'the Act'). According to the petitioner, he is the owner of the land admeasuring Ac.1.60 cents in R.S.No.128/1B, Acs.2.30 cents in R.S.No.128/1C, Ac.1.44 cents in R.S.No.125/5 (total Acs.5.34 cents) situated at Sarvasiddi Village, S.Rayavaram Mandal of Visakhapatnma District. He is allegedly in possession of the said property. By impugned order, the petitioner was directed to handover the property to the Government. The petitioner contends that the order/notice under Section 6 of the Act was not preceded by a notice under Section 7 of the Act, and therefore, the action of the third respondent is illegal.

The matter came up before this Court on 14.10.2005. This Court directed the learned Assistant Government Pleader for Revenue (General) to get instructions in the

matter. Today, the learned Assistant Government Pleader has produced the relevant file from the Office of the third respondent showing that the notice under Section 7 of the Act, dated 08.06.2005 was duly served on the petitioner. Therefore, the submission is devoid of any merit.

If the petitioner has any further grievance regarding the action of the third respondent in trying to resume the land, it shall be open to him to approach the jurisdictional Revenue Divisional Officer within a period of one week from the date of receipt of a copy of this order and file an appeal under Section 10 of the Act. The petitioner may also move an appropriate application for stay of the proceedings, and if the petitioner is in possession of the land as on today, there shall be status quo for a period of ten days.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

24.10.2005

Note: Issue C.C by tomorrow.

B/o.

vs